

James J. Davis, Jr.  
ALASKA LEGAL SERVICES CORPORATION  
1016 W. 6<sup>th</sup> Ave., Suite 200  
Anchorage, AK 99501  
Phone: (907) 222-4504  
Fax: (907) 279-7417  
jjdjr2001@yahoo.com

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

PEGGY BROCKMAN, )  
 )  
 )  
Plaintiff, )  
 )  
 )  
v. )  
 )  
 )  
ROUTH CRABTREE, APC, )  
 )  
 )  
Defendants. )  
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Case No. 3:10-CV-

**COMPLAINT FOR VIOLATIONS OF THE FAIR DEBT COLLECTION  
PRACTICES ACT AND ALASKA'S UNFAIR TRADE PRACTICES AND  
CONSUMER PROTECTION ACT**

COMES NOW Peggy Brockman, and through counsel, Alaska Legal Services Corporation, and as her complaint against the defendant alleges and requests relief as follows:

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION  
ANCHORAGE AND STATEWIDE OFFICE  
1016 WEST SIXTH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501-1963  
PHONE: (907) 272-9431  
FAX: (907) 279-7417

1. This is an action brought by an individual consumer for defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* (hereinafter "FDCPA") and Alaska's Unfair Trade Practices and Consumer Protection Act, AS 45.50.471 *et seq.* (hereinafter "UTCPA"), which prohibit debt collectors from engaging in abusive, deceptive or unfair practices.

#### **JURISDICTION AND VENUE**

2. The United States District Court has jurisdiction of this civil action pursuant to 15 U.S.C. §1692k(d) and 28 U.S.C. §1337 and supplemental jurisdiction exist for the state law claims pursuant to 28 U.S.C. §1367.

3. Venue is proper in the District of Alaska under 28 U.S.C. §1391(b). A substantial part of the events or omissions giving rise to these claims occurred in the District of Alaska.

#### **PARTIES**

4. Plaintiff is a citizen of the State of Alaska and of the United States, currently residing in Anchorage, Alaska.

5. Defendant Routh Crabtree is a debt collecting law firm in Anchorage and a "debt collector" under the FDCPA.

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## **FACTUAL BACKGROUND**

6. On or about October 7, 2010, defendant took the majority of plaintiff's Alaska Permanent Fund Dividend ("PFD") for a debt that plaintiff allegedly owed to a credit card company. Defendant took plaintiff's PFD via a default judgment in Alaska state court case 3AN-09-10725. The problem is that that default judgment had been set aside by the Alaska state court back on June 17, 2010. Defendant knew on or about June 17, 2010 that that default judgment had been set aside by the Alaska state court. This means that defendant had no legal right to take any money from plaintiff, including but not limited to her PFD.

7. Defendant collects on hundreds of debt collection cases every year in the state of Alaska.

## **FIRST CAUSE OF ACTION (FDCPA)**

8. Plaintiff refers to and reincorporates all of the above allegations.

9. The defendant violated the FDCPA, including but not limited to §1692f, by taking plaintiff's PFD when it had no legal right to do so and by failing and refusing to return the PFD to plaintiff after defendant obtained the PFD in October 2010.

10. As a result of the above violations, the defendant is liable to the plaintiff for declaratory judgment that defendant's conduct violated the FDCPA and plaintiff's actual damages, statutory damages, and costs and attorney fees.

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## **SECOND CAUSE OF ACTION (UTCPA)**

11. Plaintiff refers to and reincorporates all of the above allegations.
12. The defendant violated the UTCPA by taking plaintiff's PFD when it had no legal right to do so and by failing and refusing to return the PFD to plaintiff after defendant obtained the PFD in October 2010.
13. Under the UTCPA plaintiff may act as a "private attorney general."
14. This Court should enter an injunction compelling the defendant to adopt written policies and practices that will keep defendant from again violating the FDCPA and the UTCPA.
15. As a result of the above violations, the defendant is liable to the plaintiff for injunctive relief under the UTCPA, a declaratory judgment that defendant's conduct violated the UTCPA, actual damages, statutory damages, and costs and attorney fees.

### **PRAYER FOR RELIEF**

WHEREFORE, plaintiff prays for the following relief:

1. Declaratory judgment that defendant's conduct violated the FDCPA and UTCPA;
2. Actual damages;
3. Statutory damages;
4. Costs and full fees;
5. All other relief the Court deems just and equitable.

Dated: October 19, 2010 Respectfully submitted,

ALASKA LEGAL SERVICES CORPORATION  
Attorneys for Plaintiff

By: /s/ James J. Davis, Jr.  
1016 W. 6<sup>th</sup> Ave., Suite 200  
Anchorage, AK 99501  
Phone: (907) 222-4504  
Fax: (907) 279-7417  
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